

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHRISTOPHER HADSELL,
Plaintiff,

v.

UNITED STATES OF AMERICA, THE
DEPARTMENT OF TREASURY BY ITS
AGENCY, THE INTERNAL REVENUE
SERVICE,

Defendant.

Case No. 20-cv-03512-VKD

**ORDER DENYING MOTION TO
ALTER, AMEND, OR VACATE
JUDGMENT**

Re: Dkt. No. 78

On February 25, 2022, the Court granted the United States's motion for summary judgment and entered judgment accordingly. Dkt. Nos. 76, 77. Mr. Hadsell now moves pursuant to Rule 59(e) to alter, amend, or vacate the judgment. Dkt. No. 78. The United States opposes the motion. Dkt. No. 79. Mr. Hadsell filed a reply. Dkt. No. 80. The matter was deemed suitable for determination without oral argument. Dkt. No. 81; Civil L.R. 7-1(b). Upon consideration of the moving and responding papers, the Court denies Mr. Hadsell's motion to alter, amend, or vacate the judgment.

The Court may alter or amend a judgment under Rule 59(e) upon a showing of one of four grounds: (1) the motion is necessary to correct manifest errors of law or fact; (2) the moving party presents newly discovered or previously unavailable evidence; (3) the motion is necessary to prevent manifest injustice; or (4) there is an intervening change in controlling law. *Turner v. Burlington N. Santa Fe R.R. Co.*, 338 F.3d 1058, 1063 (9th Cir. 2003). A district court has "considerable discretion" in deciding a Rule 59(e) motion. *Id.* Rule 59(e) "offers an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial

resources.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (internal quotations and citation omitted). Indeed, a Rule 59(e) motion ““should not be granted, absent highly unusual circumstances[.]”” *Id.* (quoting *Kona Enterps., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)). Moreover, a Rule 59(e) motion “may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.” *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008) (internal quotations and citation omitted). *See also Kona Enterps., Inc.*, 229 F.3d at 890 (“A Rule 59(e) motion may *not* be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.”).

Mr. Hadsell does not allege the discovery of new evidence or an intervening change in the controlling law. Instead, he argues that the Court’s February 25, 2022 summary judgment order is based on “clear errors resulting in a judgment that is manifestly unjust.” Dkt. No. 78 at 1, 7. Specifically, he contends that the Court erred when it (1) “ruled determination/assessment is outside immunity waiver”; (2) “ruled IRS’ 26 U.S.C. §6402(c) actions are outside immunity waiver”; (3) “ruled §6402(g) bars review of refund offsets not ‘authorized by’ §6402(c)”; (4) “ruled there is difference that matters between immunity waivers for the circumstances between an FTCA claim and a §7433 claim”; (5) “implied that ‘Offsets Timing’ may not be at issue”; and (6) “ruled that Hadsell’s tax payments were not paid pursuant to tax filings and notices and demands.” Dkt. No. 78 at 7 (footnote omitted).

In its February 25, 2022 summary judgment order, as well as the prior order denying Mr. Hadsell’s summary judgment motion, the Court discussed in detail the statutory framework at issue and its application in this case. Dkt. No. 56 at 4-12; Dkt. No. 76 at 4-10. Mr. Hadsell’s present Rule 59(e) motion does not provide a basis to alter or amend the Court’s decisions, or to vacate the Court’s judgment. Most of Mr. Hadsell’s arguments amount to disagreements with the Court’s rulings, and either were or could have been presented in his opposition to the United States’s motion for summary judgment or in support of his affirmative motion for summary judgment. *See* Dkt. No. 78 at 8-19; *see also* Dkt. Nos. 41, 44, 51, 57. While Mr. Hadsell may disagree with the Court’s reasoning, that is not a proper ground for relief under Rule 59(e). *See*


Bey v. Malec, No. 18-cv-02626-SI, 2020 WL 3058336, at *2 (N.D. Cal. June 9, 2020), *aff'd sub nom. Bey v. Cristiani*, 857 F. App'x 283 (9th Cir. 2021) ("While courts within the Ninth Circuit have not strictly defined what constitutes clear error for Rule 59(e) motions, courts have generally found that mere doubts or disagreement about the wisdom of a prior decision of . . . [the] court will not suffice.") (internal quotations and citation omitted). Additionally, Mr. Hadsell's arguments based on the First Amendment of the U.S. Constitution (Dkt. No. 78 at 13:14-23) do not provide a legal basis for altering or amending the judgment under Rule 59(e), as he has not asserted such a claim. *Baker*, 554 U.S. at 485 n.5; *Kona Enterps., Inc.*, 229 F.3d at 890.

Mr. Hadsell also complains of other matters, which are immaterial to the Court's conclusion that it lacks jurisdiction over Mr. Hadsell's claim under 26 U.S.C. § 7433. He notes that the February 25, 2022 summary judgment order (Dkt. No. 76 at 3:11) says that a portion of an overpayment was refunded to him, whereas Mr. Hadsell claims that he never received a refund of any kind. Dkt. No. 78 at 8. He also points out that a portion of Exhibit A to the Declaration of Ashleigh Edmonds (Dkt. No. 55-2) bears a date of November 3, 2021, and could not have been produced in discovery as stated in the February 25 order (Dkt. No. 76 at 6 n.1). Dkt. No. 78 at 15. Mr. Hadsell did not previously raise an issue about the production of the November 3, 2021 portion of Exhibit A to the Edmonds Declaration (*see* Dkt. No. 57 at 6-7). The Edmonds Declaration cites that portion of Exhibit A to support an assertion about the purported amount of Mr. Hadsell's past-due child support payments as of November 3, 2021. The Court did not cite or rely on Exhibit A to the Edmonds Declaration for that purpose. Neither of these claimed errors is consequential to the ultimate disposition and judgment entered in this case.

Accordingly, Mr. Hadsell's Rule 59(e) motion to alter, amend, or vacate the Court's judgment is denied.

IT IS SO ORDERED.

Dated: May 16, 2022


VIRGINIA K. DEMARCHI
United States Magistrate Judge